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| 10/057,435 | 01/25/2002 | Atanas Stoyanov | 064754-0011 | 9660 |
| 33401 | 7590 | 04/20/2009 | EXAMINER | |
| MCDERMOTT WILL & EMERY LLP | | | LIVERSEDGE, JENNIFER L | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/057,435 | STOYANOV ET AL. |
| | Examiner | Art Unit |
| | JENNIFER LIVERSEDGE | 3692 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 December 2008 and 08 January 2009.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 13,15-18 and 20-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 13,15-18 and 20-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/26/2008</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 10/057,435 filed on December 24, 2009 and January 8, 2009.

No amendments to the claims were submitted and accordingly the claims as submitted July 9, 2008 are the claims of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13, 16-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,774,883 to Andersen et al. (further referred to as

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Andersen), and further in view of "What to know when you lease a car" by Kevin McCormally (further referred to as McCormally).

Regarding claim 13, Andersen discloses a method for selecting, from a plurality of lease programs, each of which may generate a profit, a lease program that generates the largest profit for each of a plurality of vehicles (columns 3-6), the method comprising:

Receiving an input representing an amount of cash available for lease inception fees (Figure 5; column 13, lines 38-39; column 18, lines 11-13);

Receiving financial information about a customer (Figures 1, 5, 12 and 13a; column 5, lines 1-5; column 6, lines 1-5);

Accessing a database stored in a computer system, the database comprising information about a plurality of lease programs (column 5, lines 1-5; column 6, lines 15-18 and lines 49-53);

Identifying, for each of the vehicles, the lease program generating the highest profit (column 6, lines 15-18 and lines 49-53; column 7, lines 25-27), the identifying including:

Calculating a profit generated by each of the plurality of lease programs for the vehicle based on the amount of cash available for lease inception fees and the financial information about the customer (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50); and

Comparing the calculated profit generated by each of the plurality of lease programs for the vehicle (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11); and

Selecting the lease program from the plurality of lease programs that generates the highest calculated profit for each of the vehicles (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50).

Andersen does not specifically disclose receiving an input representing a target monthly payment amount and where the target monthly payment is used in calculations for identifying the highest profit. However, Andersen discloses receiving customer budget information (Figure 13a; column 5, lines 1-5; column 6, lines 15-18; column 12, lines 23-29; column 26, lines 6-11) and wherein the received budget information is used to determine a lease program available to customer wherein profits are maximized (column 3, lines 7-32 and lines 56-67; column 5, lines 1-5; column 7, lines 25-27; column 13, lines 46-50).

Further, McCormally discloses receiving an input representing a target monthly payment amount and where the target monthly payment is used in calculations for identifying the highest profit (page 1, column 2, sections 1 and 2; page 2, column 2, sections 1 and 2).

It would be obvious to one of ordinary skill in the art to modify the method of maximizing profit using a customer's budget as a constraint as disclosed by Andersen with the method of specifying a target monthly payment and using the target monthly payment to identify the highest profit as disclosed by McCormally. The motivation would

be one's monthly vehicle payment is a portion of one's overall budget and would be a significant determiner in selecting a vehicle and the associated payment. And from the dealer perspective in which seeking the maximum profit is generally an objective, using the customer's target payment as an input to maximize profit allows the dealer to "play with" the other input numbers to maximize profit while recognizing and working within the customer's payment constraint.

Regarding claim 16, Andersen discloses a computer readable storage media containing software which, when loaded on a computer and executed, enables the following steps to occur (columns 3-6):

The computer receives an input representing an amount of cash available for lease inception fees (Figure 5; column 13, lines 38-39; column 18, lines 11-13);

The computer receives financial information about a customer (Figures 1, 5, 12 and 13a; column 5, lines 1-5; column 6, lines 1-5);

The computer accesses a lender database comprising information about a plurality of lease programs (column 5, lines 1-5; column 6, lines 15-18 and lines 49-53);

The computer identifies, for each of a plurality of vehicles, the lease program generating the highest profit (column 3, lines 7-32 and lines 56-67; column 6, lines 15-18 and lines 49-53; column 7, lines 25-27), the identifying including:

Calculating a profit generated by each of the plurality of lease programs for the vehicle based on the amount of cash available for lease inception fees and the financial

information about the customer (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50); and

Comparing the calculated profit generated by each of the plurality of lease programs for the vehicle (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11); and

The computer selects the lease program from the plurality of lease programs that generates the highest calculated profit for each of the vehicles (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50).

Andersen does not specifically disclose receiving an input representing a target monthly payment amount and where the target monthly payment is used in calculations for identifying the highest profit. However, Andersen discloses receiving customer budget information (Figure 13a; column 5, lines 1-5; column 6, lines 15-18; column 12, lines 23-29; column 26, lines 6-11) and wherein the received budget information is used to determine a lease program available to customer wherein profits are maximized (column 3, lines 7-32 and lines 56-67; column 5, lines 1-5; column 7, lines 25-27; column 13, lines 46-50).

Further, McCormally discloses receiving an input representing a target monthly payment amount and where the target monthly payment is used in calculations for identifying the highest profit (page 1, column 2, sections 1 and 2; page 2, column 2, sections 1 and 2).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the method of maximizing profit using a customer's budget as a constraint as

disclosed by Andersen with the method of specifying a target monthly payment and using the target monthly payment to identify the highest profit as disclosed by McCormally. The motivation would be one's monthly vehicle payment is a portion of one's overall budget and would be a significant determiner in selecting a vehicle and the associated payment. And from the dealer perspective in which seeking the maximum profit is generally an objective, using the customer's target payment as an input to maximize profit allows the dealer to "play with" the other input numbers to maximize profit while recognizing and working within the customer's payment constraint.

Regarding claim 18, Andersen discloses a method for selecting, from a plurality of lease programs, each of which may generate a profit, a lease program that generates the largest profit for each of a plurality of vehicles (columns 3-6), the method comprising:

Receiving an input representing an amount of cash available for lease inception fees (Figure 5; column 13, lines 38-39; column 18, lines 11-13);

Receiving financial information about a customer (Figures 1, 5, 12 and 13a; column 5, lines 1-5; column 6, lines 1-5);

Accessing a database stored in a computer system, the database comprising information about a plurality of lease programs (column 5, lines 1-5; column 6, lines 15-18 and lines 49-53); and

Identifying, for each of the vehicles, the lease program generating the highest profit (column 6, lines 15-18 and lines 49-53; column 7, lines 25-27), the identifying including:

Calculating a profit generated by each of the plurality of lease programs for the vehicle based on the amount of cash available for lease inception fees and the financial information about the customer (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50); and

Comparing the calculated profit generated by each of the plurality of lease programs for the vehicle (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11); and

Selecting the lease program from the plurality of lease programs that generates the highest calculated profit for each of the vehicles (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50).

Andersen does not disclose where profits are determined based on monthly payments amounts. However, McCormally discloses where profits are determined based on monthly payments amounts (page 1, column 2, sections 1 and 2; page 2, column 1, section 1; page 2, column 2, sections 1 and 2). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the method of maximizing profit using a customer's budget as a constraint as disclosed by Andersen with the method of determining profits for monthly payment amounts and using the monthly payment amounts to identify the highest profit as disclosed by McCormally. The motivation would be that customers can be offered monthly payment amounts and they

may or may not find them acceptable, such that a different monthly payment may need to be offered in order for the sale/lease to be completed. As disclosed by both Andersen and McCormally, several factors such as capitalized cost, residual price, lease rate, down payment, etc. can all be played with in order to vary the monthly payment amount and the realized profit.

Regarding claim 20, Andersen discloses a computer system configured to perform a method for selecting, from a plurality of lease programs, each of which may generate a profit, a lease program that generates the largest profit for each of a plurality of vehicles (columns 3-6), the method comprising:

Receiving an input representing an amount of cash available for lease inception fees (Figure 5; column 13, lines 38-39; column 18, lines 11-13);

Receiving financial information about a customer (Figures 1, 5, 12 and 13a; column 5, lines 1-5; column 6, lines 1-5);

Accessing a database stored in a computer system, the database comprising information about a plurality of lease programs (column 5, lines 1-5; column 6, lines 15-18 and lines 49-53); and

Identifying, for each of the vehicles, the lease program generating the highest profit (column 6, lines 15-18 and lines 49-53; column 7, lines 25-27), the identifying including:

Calculating a profit generated by each of the plurality of lease programs for the vehicle based on the amount of cash available for lease inception fees and the financial

information about the customer (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50); and

Comparing the calculated profit generated by each of the plurality of lease programs for the vehicle (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11); and

Selecting the lease program from the plurality of lease programs that generates the highest calculated profit for each of the vehicles (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50);

The computer system comprising:

Computer storage media containing software that is programmed according to the method (Figure 2; column 3, line 29 – column 4, line 14);

A computer processor which, under control of the software, causes the method to be performed (Figure 2; column 3, line 29 – column 4, line 14);

A peripheral input device for receiving data according to the method (Figure 2; column 3, line 29 – column 4, line 14); and

A computer display device for reporting results of the performed method to a user of the computer system (Figure 2; column 3, line 29 – column 4, line 14).

Andersen does not disclose where profits are determined based on monthly payments amounts. However, McCormally discloses where profits are determined based on monthly payments amounts (page 1, column 2, sections 1 and 2; page 2, column 1, section 1; page 2, column 2, sections 1 and 2). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the method of maximizing

profit using a customer's budget as a constraint as disclosed by Andersen with the method of determining profits for monthly payment amounts and using the monthly payment amounts to identify the highest profit as disclosed by McCormally. The motivation would be that customers can be offered monthly payment amounts and they may or may not find them acceptable, such that a different monthly payment may need to be offered in order for the sale/lease to be completed. As disclosed by both Andersen and McCormally, several factors such as capitalized cost, residual price, lease rate, down payment, etc. can all be played with in order to vary the monthly payment amount and the realized profit.

Regarding claim 21, Andersen discloses computer readable storage media containing software which, when loaded on a computer and executed, enables the following steps to occur (columns 3-6):

The computer receives an input representing an amount of cash available for lease inception fees (Figure 5; column 13, lines 38-39; column 18, lines 11-13);

The computer receives financial information about a customer (Figures 1, 5, 12 and 13a; column 5, lines 1-5; column 6, lines 1-5);

The computer accesses a lender database comprising information about a plurality of lease programs, each of which may generate a profit (column 5, lines 1-5; column 6, lines 15-18 and lines 49-53); and

The computer identifies, for each of a plurality of vehicles, the lease program generating the highest profit (column 3, lines 7-32 and lines 56-67; column 6, lines 15-18 and lines 49-53; column 7, lines 25-27), the identifying including:

Calculating a profit generated by each of the plurality of lease programs for the vehicle based on the amount of cash available for lease inception fees and the financial information about the customer (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50); and

Comparing the calculated profit generated by each of the plurality of lease programs for the vehicle (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11); and

Selecting the lease program from the plurality of lease programs that generates the highest calculated profit for each of the vehicles (column 3, lines 7-32 and lines 56-67; column 5, lines 1-11; column 6, lines 1-21; column 13, lines 46-50).

Andersen does not disclose where profits are determined based on monthly payments amounts. However, McCormally discloses where profits are determined based on monthly payments amounts (page 1, column 2, sections 1 and 2; page 2, column 1, section 1; page 2, column 2, sections 1 and 2). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the method of maximizing profit using a customer's budget as a constraint as disclosed by Andersen with the method of determining profits for monthly payment amounts and using the monthly payment amounts to identify the highest profit as disclosed by McCormally. The motivation would be that customers can be offered monthly payment amounts and they

may or may not find them acceptable, such that a different monthly payment may need to be offered in order for the sale/lease to be completed. As disclosed by both Andersen and McCormally, several factors such as capitalized cost, residual price, lease rate, down payment, etc. can all be played with in order to vary the monthly payment amount and the realized profit.

Regarding claims 17 and 22, Andersen discloses wherein the receiving financial information about a customer comprises:

Collecting information about the customer (column 12, lines 6-39; column 26, lines 6-19);

Storing the collected information in a first computer storage device (column 7, line 65 – column 8, line 21; column 9, lines 6-15); and

Transmitting the stored, collected information from the first computer storage device to a central computer storage device, the central computer storage device being configured to perform the remaining steps of the method of claim 13 and 18 (column 7, line 65 – column 8, line 21; column 9, lines 6-15).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,774,883 to Andersen et al. (further referred to as Andersen), and further in view of “I saved \$3,000 on a car lease, so can you” by Bruce A. Goodman (further referred to as Goodman).

Regarding claim 15, Andersen discloses a computer system configured to perform a method for selecting from a plurality of lease programs for each of a plurality of vehicles (columns 3-6), the method comprising:

Receiving a first input representing a target profit (Figure 14; column 28, line 54 – column 29, line 4);

Receiving a second input representing an amount of cash available for lease inception fees (Figure 5; column 13, lines 38-39; column 18, lines 11-13);

Receiving financial information about a customer (Figures 1, 5, 12 and 13a; column 5, lines 1-5; column 6, lines 1-5);

Accessing a database stored in a computer system, the database comprising information about a plurality of lease programs (column 5, lines 1-5; column 6, lines 15-18 and lines 49-53);

The computer system comprising:

Computer storage media containing software that is programmed according to the method (Figure 2; column 3, line 29 – column 4, line 14);

A computer processor which, under control of the software, causes the method to be performed (Figure 2; column 3, line 29 – column 4, line 14);

A peripheral input device for receiving data according to the method (Figure 2; column 3, line 29 – column 4, line 14); and

A computer display device for reporting results of the performed method to a user of the computer system (Figure 2; column 3, line 29 – column 4, line 14).

Anderson does not disclose identifying, for each of the vehicles, the lease program requiring the lowest monthly payment, the identifying including calculating the monthly payment generated by each of the plurality of lease programs for the vehicle which meets the target profit based on the amount of cash available for lease inception fees and the financial information about the customer; comparing the calculated monthly payment generated by each of the plurality of lease programs for the vehicle; and selecting the lease program from the plurality of lease programs that generates the lowest monthly payment for each of the vehicles.

However, Goodman discloses identifying, for each of the vehicles, the lease program requiring the lowest monthly payment (page 1, section 3; page 2, section 2; page 3, sections 1-5), the identifying including calculating the monthly payment generated by each of the plurality of lease programs for the vehicle which meets the target profit based on the amount of cash available for lease inception fees and the financial information about the customer (page 2, section 2; page 3, section 1); comparing the calculated monthly payment generated by each of the plurality of lease programs for the vehicle (page 1, section 3; page 3, sections 1-5); and selecting the lease program from the plurality of lease programs that generates the lowest monthly payment for each of the vehicles (page 1, section 3; page 3, sections 1-5).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the method of using a target profit and cash available for inception fees to determine a lease program with a monthly payment that fits in a customer's budget as disclosed by Andersen to adapt the determining of the lowest lease payment for a target

profit as disclosed by Goodman. The motivation would be that dealers seek to maximize profits and customers seek to minimize monthly payments and by meeting both of these objectives in determining a lease payment, the deal is more likely to be entered into by both the dealer and customer and the deal can be closed.

Response to Arguments

Applicant argues that McCormally fails to disclose selecting the most profitable lease program based on a target monthly payment and contends that McCormally teaches away from this feature; McCormally only discloses altering parameters of the same lease program, rather than across lease programs; and that McCormally fails to disclose where the processes are implemented by software or a computer system.

Applicant further argues that Goodman fails to disclose identifying which of several lease programs generates a target profit with the lowest monthly payment; Goodman fails to disclose the consideration of different lease programs; and that the combination of Goodman and Andersen is improper as Andersen teaches away from the claimed combination.

Additionally, applicant argues that Andersen teaches maximizing profit in connection with a single loan program rather than across loan programs.

With regards to the arguments related to both McCormally and Goodman, examiner first notes that Andersen, as the primary reference, teaches a process by which a dealer can select the most profitable financing program. In doing so, Andersen seeks to maximize profits while using a buyer's budget information as a constraint.

Andersen discloses where a financing program is determined from among multiple finance programs and wherein the process is conducted using software and a computer such that a target profit can be analyzed when reviewing the parameters associated with a lease (detailed in the rejection above, but examples include column 3, lines 7-67; column 4, lines 1-13 and 62-64; column 5, lines 1-5; column 6, lines 1-18; column 25, lines 38-44; column 28, line 63 – column 29, line 4).

Andersen discloses where customer financial information such as a monthly budget are taken into consideration when developing a lease deal and where profits are maximized given the budget constraints. While Andersen does not specifically disclose that the budget would include a target monthly car payment, it would be obvious to one of ordinary skill in the art that a target monthly car payment would be part of the budget and that consumers are not likely to devote all monies not otherwise allocated in the budget to a car payment. Examiner further contends that where McCormally discloses receiving a customer's target monthly car payment and then proceeding with adjusting the financing parameters as the dealer attempts to maximize the profit, that it would be obvious to combine Andersen and McCormally. Both relate to the determination of lease parameters, and both the concept of maximizing profits and using target monthly payments are old and well known in the field of vehicle leasing.

With regards to applicant arguments that McCormally only discloses altering parameters of the same lease program, rather than across lease programs and that McCormally fails to disclose where the processes are implemented by software or a

computer system, it is noted that Andersen teaches these features and McCormally was not relied upon for these features.

Applicant argues that Goodman fails to disclose identifying which of several lease programs generates a target profit with the lowest monthly payment. As noted Above, Andersen discloses identifying a lease program which generates a maximized and targeted profit within the budget constraints of a customer. Additionally, Goodman specifically discloses where dealers have profit targets and the process of maximizing those profits while customers seek a lower monthly payment. Accordingly, both Andersen and Goodman disclose dealer profit targets and both recognize that customers have budgets and payment targets as well, where Goodman specifically starts with a target profit and seeks to find the lowest payment that can be achieved through the manipulation of lease variables.

With regards to the argument that Goodman only discloses altering parameters of the same lease program, rather than across lease programs, it is noted that Andersen teaches this feature and Goodman was not relied upon for this feature.

Applicant argues that Andersen teaches maximizing profit in connection with a single loan program rather than across loan programs. However, upon careful review and consideration of Andersen, it is noted that Andersen specifically discloses the evaluation of multiple loan programs. For example, Figure 12 denotes Loan Programs A-N. Additionally, in column 3, lines 11-17, Andersen specifically discloses that various lender guidelines and rates are obtained and a most profitable finance program is selected from a master list of finance programs. Additionally, column 3, lines 58-67

discloses a plurality of financial programs and selecting the financial program that is best. Applicant argues that the review is conducted across tiers rather than programs, however, Andersen discloses where loan programs or loan program tiers may be used in column 25, lines 38-43. As noted in the earlier cited portions, Andersen specifically discloses where the finance programs from multiple lending institutions are obtained and then used in the analysis.

Examiner contends that the concepts as presented in the present application are old and well known in the field of vehicle leasing, and in leasing and sales in general. Maximizing profits is old and well known, the use of target monthly payments is old and well known, target profits are old and well known, finding a lowest monthly payment is old and well known, and the concept that these variables are interrelated through formulas used to determine leasing deals is old and well known.

In response to Applicant's argument that it would not have been obvious to modify the cited prior art reference(s) to create the claimed invention, the Courts have stated that "[w]hen a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a different one. If a person of ordinary skill can implement a predictable variation, §103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill." KSR Int'l Co. v. Teleflex, Inc. 127 S. Ct. 1727, 1740, 92 USPQ2d 1385, 1396 (2007). In the instant case, the cited prior art references

were available in the field at the time of the purported invention. The Applicant merely implemented a predictable variation of these existing methods in establishing his/her own invention. Such predictability is based upon the fact that each incorporated method performs the same function and provides the same utility as originally intended in their pre-combination state.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jennifer Liversedge/
Examiner, Art Unit 3692

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3692